

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 7454
BILL NUMBER: SB 281

DATE PREPARED: Dec 31, 1998
BILL AMENDED:

SUBJECT: Juvenile court jurisdiction.

FISCAL ANALYST: Susan Preble
PHONE NUMBER: 232-9867

FUNDS AFFECTED: **X** GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that a juvenile court does not have jurisdiction over an individual who is alleged to have committed any offense that may be tried in a court with adult criminal jurisdiction if the individual has ever entered a plea of guilty to or been convicted of: (1) murder; (2) kidnapping; (3) rape; (4) criminal deviate conduct; (5) robbery, if the robbery was committed while armed with a deadly weapon or resulted in bodily injury or serious bodily injury; (6) carjacking; (7) criminal gang activity; (8) criminal gang intimidation; (9) carrying a handgun without a license; (10) children and firearms offenses; (11) dealing in a sawed-off shotgun; or (12) dealing in cocaine or a narcotic drug or a schedule I, II, III, or IV controlled substance.

Effective Date: July 1, 1999.

Explanation of State Expenditures: See Explanation of Local Expenditures.

Explanation of State Revenues:

Explanation of Local Expenditures: This bill will decrease the number of juveniles in juvenile courts and increase the number of juveniles in adult criminal courts. It is estimated that the number of juveniles impacted by this bill is minimal because it only affects those who have been tried and convicted in adult criminal court in the past, and then are subsequently charged with another adult offense before reaching the age of majority. In 1995, 1,936 juveniles were charged with adult crimes and waived to criminal court. In 1996, 1,910 juveniles were committed to DOC facilities. As of August of 1998, 91 juveniles under the age of 18 are serving sentences in adult DOC facilities.

This bill directly refers a juvenile charged with committing any offense that may be tried in an adult criminal court to adult criminal court if the juvenile had been tried and convicted in adult criminal court of the following offenses in the past:

- (1) murder;
- (2) kidnapping;
- (3) rape;
- (4) criminal deviate conduct;
- (5) robbery if the robbery was committed while armed with a deadly weapon or resulted in bodily injury or serious bodily injury;
- (6) carjacking;
- (7) criminal gang activity;
- (8) criminal gang intimidation;
- (9) carrying a handgun without a license;
- (10) children and firearms offenses;
- (11) dealing in a sawed-off shotgun; or
- (12) dealing in cocaine or a narcotic drug or a schedule I, II, III, or IV controlled substance.

Under current law, if a juvenile is under 16 years of age, the juvenile court has jurisdiction, unless it agrees to waive its jurisdiction to adult court at the request of the prosecuting attorney. A juvenile will be detained in one of 20 juvenile detention centers until a detention hearing is conducted. A child under the age of twelve may not be detained in an adult Department of Correction facility.

If a juvenile is 16 years old or over, the offenses listed above mandate that the juvenile court has no jurisdiction. In this case, since the juvenile would be directly referred to adult court, they will most likely be detained in a local juvenile detention center until a bed is available in a Department of Correction facility for juveniles. If there is no other place to detain a juvenile, they can be held in jail for up to 6 hours for processing, but sight and sound separation from the adult population is required.

There are a total of 20 juvenile detention centers throughout the state in the following counties: Allen, Bartholomew, Clark, Dearborn, Delaware, Elkhart, Grant, Hamilton, Henry, Howard, Johnson, Knox, Lake, LaPorte, Madison, Marion, Porter, St. Joseph, Vanderburgh and Vigo. The centers are operated by the county and costs associated with the centers are paid out of the county general fund.

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Prosecuting attorneys; courts; local law enforcement; jails.

Information Sources: Judge Sally Gray, Senior Judge, Putnam Superior Court, (765) 653-2658; Paul Downing, Department of Correction, (317) 233-6666; Bill Glick, Juvenile Justice Task Force, (317) 926-6100; Stephen Johnson, Prosecuting Attorneys Council, (317) 232-1836; Gary Chavers, Marion County Juvenile Deputy Prosecuting Attorney, (317) 327-5963; IC 31-30-1-4 (for list of offenses which mandate direct referral to adult criminal court); Indiana Youth Institute, (317) 920-2700.